

*12/letter re
Interview*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. Serial No. - 09/768,016
Filing Date - January 23, 2001
Inventor - Stanley B. Miller III et al
Group Art Unit - 1615
Examiner name - Susan T. Tran
Atty Docket - 500

*Be
5-22-03*

RESPONSE

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Examiner's Interview Summary dated May 9, 2003.

In accordance with the last paragraph on page 1 of the Interview Summary, applicants hereby file the substance of the interview.

First of all, the undersigned attorney responded to the rejection under 35 USC 102 wherein the Examiner rejected claims 3-6 and 39-48 as being anticipated by Tuma. The undersigned attorney stated that the prior reference Tuma does not have all of the recited elements of the claims and therefore this rejection should not apply. The Examiner was noncommittal.

Relative to the rejection of claims 3-6 and 39-48 as being unpatentable over Tuma, the undersigned attorney stated that Tuma teaches only the use of one basic salt with the adsorbent and the binder whereas the present claims disclose the use of a second basic salt with the binder to not only absorb acid gases but also absorb acid gases which

are absorbed and desorbed from the binder. The undersigned attorney also brought to the Examiner's attention that the reasons that the second basic salt is used with the binder is because it mixes more readily with the binder than the basic salt which is associated with the adsorbent. It was further urged that the foregoing was not obvious in view of Tuma.

The Examiner insisted that applicants have not shown unexpected results and it was the undersigned attorney's position that this was not a situation wherein unexpected results had to be shown because the claimed subject matter was entirely different than that disclosed by Tuma. The Examiner, at this point, stated that Tuma absorbs acid gases and the claimed combination also absorbs acid gases. The Examiner further stated that since both are directed to the same ultimate subject matter, she could not see where the claimed subject matter was patentable because unexpected results were not shown, and she wanted a declaration showing unexpected results. The undersigned attorney stated that there are numerous compositions used for the same purpose, and if they operate differently, there should be no need to show unexpected results. In addition, at this point the undersigned attorney pointed out that even if unexpected results were required, unexpected results were shown in the specification itself on pages 11 and 12 by comparing the results of Graphs A and B which were directed to the claimed subject matter utilizing two basic salts with the results of an embodiment which used only one basic salt as shown in Graphs C and D. The Examiner specifically again

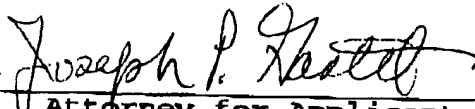
stated that she wanted a declaration showing unexpected results.

Since the unexpected results were already in the specification, the undersigned attorney specifically stated that he would consider submitting a declaration or proceed with filing an appeal brief.

Respectfully submitted,

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May 15, 2003

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